

**LOWELL CITY COUNCIL MINUTES
REGULAR COUNCIL MEETING
VIRTUAL MEETING
DECEMBER 15, 2020 - 6:30PM**

INVOCATION: Pastor Brian Clark

PLEDGE OF ALLEGIANCE: Mayor Chris Moore

CALL TO ORDER OF REGULAR COUNCIL MEETING: The Regular Meeting of the Lowell City Council was called to order at 6:32pm by **Mayor Chris Moore** at the Lowell Council Chambers.

ROLL CALL: Mayor Chris Moore asked the City Clerk for a verbal roll call. Council Members present were Linda Vannoy, Dean Bitner, David Adams, Chasity Taylor, Thomas Evers, Todd Fenix, Lisa DeGifford and Eric Schein. Deputy Attorney Kieklak was present, also. There was quorum. A roster of all others in attendance is on file with these minutes.

CONSENT AGENDA:

Lowell City Council Minutes Regular Meeting – November 17, 2020
Financial Statement – November 2020

Motion to approve the Consent Agenda.

Motion: Dean Bitner

Second: David Adams

Voice Vote Aye: Evers, Adams, Vannoy, Taylor, Fenix, DeGifford, Schein, Bitner

Voice Vote Nay: None

Motion to approve Consent Agenda approved.

PUBLIC FORUM: Open: 6:33PM Close: 6:38PM

Joe Rhaigans, 405 S. Bloomington, supported the changes to the Land Use Map. If a person's properties are currently zoned industrial, they should stay that way. If it is permitted in the commercial zone, it should be permitted in the industrial zone without having to get a CUP.

Brian Clark, 806 Andrews Place, Section 16-254 Off Street Parking and Loading for Multi-family residences. Changes being made from current 1.25 for efficiency units to 1.75 for one bedroom units and two parking spaces for two bedroom units. This was limiting to the Vision 100 plan and he felt after his research that we should reconsider Section 16-254.

PROCEDURAL MOTION TO DISPENSE WITH THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.

Motion to approve Procedural Motion.

Motion: David Adams

Second: Linda Vannoy

Vote Aye: DeGifford, Adams, Fenix, Schein, Evers, Taylor, Bitner, Vannoy

Vote Nay: None

Motion to approve Procedural Motion passed.

OLD BUSINESS:

1. TABLED ITEM – RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET FOR THE CITY OF LOWELL, ARKANSAS. (APERMA)

City staff and city council recommends removing this item from the agenda.

Motion to remove Resolution from the Agenda.

Motion: Dean Bitner

Second: Linda Vannoy

Vote Aye: Adams, Fenix, Vannoy, Taylor, Schein, Evers, DeGifford, Bitner

Vote Nay: None

Motion to remove Resolution from the Agenda passed.

NEW BUSINESS:

1. ORDINANCE ADOPTING A REVISED ZONING CODE BY REFERENCE, FOR OTHER PURPOSES, AND DECLARING AN EMERGENCY.

A public hearing and public work session was held by Planning Commission and the Zoning Code was approved by Planning Commission with recommendations. Council agreed with and adopted what the Planning Commissioners had approved.

PC recommendations:

- Sec. 16-142: Addition of language for the preservation of historic space.
- Addition of language for the encouragement or incentive of maintaining existing trees.
- Sec. 16-254: Off street parking & loading requirements to remain at 1.25 parking stalls per unit instead of the 1 parking stall per unit as presented in the proposed changes
- Sec. 16-1131: Lighting Height, code states the maximum height of pole light is 20'. Standard parking lot pole lights are 25'.
- Sec. 16-1134: Color of Light Source, revise/remove Halogen or Metal Halide. With most new lighting going in as LED, the code should list color temp which is color of light. Recommendation – give a range 3000 to 5000 kelvin.
- Sec. 16-1134: Remove Halogen/Metal halide and add light color temperature should be within the 3000-5000 kelvin range

Motion to approve Ordinance as presented.

Motion: Dean Bitner

Second: Chasity Taylor

Vote Aye: Evers, Adams, Taylor, Schein, Fenix, DeGifford, Bitner

Vote Nay: Vannoy

Motion to approve Ordinance passed.

City Clerk read Ordinance one time by title only.

Ordinance assigned No. 1068.

Motion to approve Emergency Clause.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Adams, Evers, Taylor, Schein, Fenix, Vannoy, DeGifford, Bitner

Vote Nay: None

Motion to approve Emergency Clause passed.

2. ORDINANCE ADOPTING A REVISED ZONING MAP FOR OTHER PURPOSES AND DECLARING AN EMERGENCY.

****Planning Commissioners recommended zones be revised to reflect current use and zones of properties. The Council voted not to adopt the recommendations of the Planning Commission and voted to adopt the map as presented.**

Zoom Recess: Begin: 7:15pm End: 7:21pm

Motion to Call Question.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Adams, Evers, DeGifford, Fenix, Taylor, Bitner
Vote Nay: Schein, Vannoy
Motion to Call Question passed.

Motion to approve Ordinance.

Motion: Dean Bitner
Second: David Adams
Vote Aye: Adams, Evers, DeGifford, Fenix, Taylor, Bitner
Vote Nay: Schein, Vannoy
Motion to approve Ordinance passed.
City Clerk read Ordinance one time by title only.
Ordinance assigned No. 1069.

Motion to approve Emergency Clause.

Motion: Dean Bitner
Second: David Adams
Vote Aye: Adams, Evers, Taylor, Fenix, DeGifford, Bitner
Vote Nay: Schein, Vannoy
Motion to approve Emergency Clause passed.

3. ORDINANCE TO WITHDRAW ORDINANCE #1064 WHICH PROVIDED FOR AN EXTENSION OF THE 1% SALES AND USE TAX PREVIOUSLY APPROVED FOR THE CITY OF LOWELL, ARKANSAS.

It has come to the attention of the City Council and Mayor of City of Lowell that this Ordinance is not appropriate at this time and should be withdrawn.

Motion to approve Ordinance.

Motion: David Adams
Second: Dean Bitner
Vote Aye: Evers, Adams, Vannoy, Taylor, Fenix, DeGifford, Schein, Bitner
Vote Nay: None
Motion to approve Ordinance passed.
City Clerk read Ordinance one time by title only.
Ordinance assigned No. 1070.

4. ORDINANCE TO WITHDRAW ORDINANCE #1065 WHICH CALLED FOR A SPEICAL ELECTION ON THE QUESTION OF EXTENDING THE EXPIRATION DATE FOR THE 1% SALES TAX FOR THE CITY OF LOWELL, ARKANSAS.

It has come to the attention of the City Council and Mayor of City of Lowell that this Ordinance is not appropriate at this time and will be withdrawn.

Motion to approve Ordinance.

Motion: David Adams
Second: Eric Schein
Vote Aye: Adams, Fenix, Vannoy, Taylor, Schein, Bitner, Evers, DeGifford
Vote Nay: None
Motion to approve Ordinance passed.
City Clerk read Ordinance one time by title only.
Ordinance assigned No. 1071.

5. RESOLUTION APPROVING AND ADOPTING AN UPDATED OVERTIME POLICY FOR THE FIRE FIGHTERS AND POLICE OFFICERS IN LOWELL, TO BE SECTION 4.5.1.1 OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF LOWELL, ARKANSAS.

Fire Chief Melnicki presented an Overtime Policy he uses in his department and recommended extending it to the Police Department. He wanted to codify what is already a practice; an extra benefit for keeping fire fighters in Lowell; and it is not policy but practice. Chief Melnicki has included in his 2021 Budget

monies for this Overtime Policy. Monies for this policy have not been included in the Police Department 2021 Budget.

Motion to approve Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Motion to withdraw approval of Resolution.

Motion: Eric Schein

Second: Lisa DeGifford

Motion to table Resolution until January 2021.

Motion: Dean Bitner

Second: Lisa DeGifford

Vote Aye: Vannoy, Schein, Evers, DeGifford, Adams, Bitner, Taylor, Fenix

Vote Nay: None

Motion to table Resolution until January 2021 approved.

Order to continue current status quo of the Fire Department until City Council takes up item of overtime and vacation.

Motion: Eric Schein

Second: Dean Bitner

Voice Vote Aye: Unanimous

Voice Vote Nay: None

Order to continue current status quo of the Fire Department until City Council takes up item of overtime and vacation approved.

6. RESOLUTION APPROVING AND ADOPTING AN UPDATED SECTION 4.10 TRAVEL POLICY OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF LOWELL, ARKANSAS.

Completing the expense reports by the current method is burdensome to gather and report receipts for meals, checking the tips. Employees feel it is burdensome to keep up with their receipts also. Employees are having problems using the credit card system. Jerry Hudlow wants receipts for transparency. Chief Melnicki proposed a per diem for employees to use when traveling.

Jerry Hudlow was not in support of the proposed Travel Policy for the following reasons:

1. Does not meet accountable plan
2. More costly for the City of Lowell
3. Is not safe; not accountable
4. Accountability – Transparency Is Paramount

Motion to Call Question.

Motion: Thomas Evers

Second: Dean Bitner

Vote Aye: Evers, Vannoy, Taylor, Fenix, Schein, DeGifford, Bitner, Adams

Vote Nay: None

Motion to Call Question passed.

Motion to approve Resolution.

Motion: Eric Schein

Second: David Adams

Vote Aye: Eric Schein

Vote Nay: Adams, Fenix, Vannoy, Taylor, Bitner, Evers, DeGifford

Motion to approve Resolution failed.

Mayor called for a break. Break began: 8:42pm Break ended: 8:52pm

7. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING AGREEMENT WITH CRAFTON TULL PERTAINING TO PLANS TO WIDEN HIGHWAY 264.

City of Lowell has received a proposal from Crafton Tull for design and bidding for highway improvements to Highway 264. It is in the best interest of the city to enter into an agreement for design and bidding for the necessary widening of Highway 264.

Motion to approve Resolution.

Motion: David Adams

Second: Eric Schein

Vote Aye: Adams, Vannoy, Taylor, Bitner, Evers, Schein, DeGifford, Fenix

Vote Nay: None

Motion to approve Resolution approved.

Resolution assigned No. 20-31

8. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING AGREEMENT WITH CRAFTON TULL PERTAINING TO PLANS FOR THE DESIGN AND CONSTRUCTION OF A ROUNDABOUT.

City of Lowell has received a proposal from Crafton Tull for engineering and design of a roundabout to be constructed at Highway 264 and Bellview Road. It is in the best interest of the city to enter into an agreement for engineering and design of a roundabout to be constructed at Highway 264 and Bellview Road.

Motion to approve Resolution.

Motion: David Adams

Second: Linda Vannoy

Vote Aye: Adams, Fenix, Vannoy, Taylor, Bitner, Schein, DeGifford

Vote Nay: Thomas Evers

Motion to approve Resolution passed.

Resolution assigned No. 20-32.

9. RESOLUTION DECLARING CERTAIN POLICE DEPARTMENT VEHICLES AND EQUIPMENT AS SURPLUS AND PRESCRIBING THE METHOD OF SELLING THE EQUIPMENT.

Chief of Police has advised the City council that vehicles (2010 Dodge Charger, 1992 AM General Humvee and 1989 AM General Humvee) are no longer of use to the city and should be disposed of as surplus.

Motion to approve Resolution.

Motion: David Adams

Second: Linda Vannoy

Vote Aye: DeGifford, Schein, Bitner, Evers, Adams, Taylor, Vannoy, Fenix

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-33.

10. RESOLUTION AMENDING THE LOWELL FEE SCHEDULE APPENDIX B OF THE LOWELL MUNICIPAL CODE AND SETTING FORTH FEES FOR THE BORING AND CURB CUTS IN THE CITY OF LOWELL, ARKANSAS.

The fees for Boring and Curb Cuts will be added to the Lowell fee schedule.

Motion to approve Resolution.

Motion: Dean Bitner

Second: David Adams

Vote Aye: Adams, Taylor, Bitner, Schein, DeGifford, Vannoy, Evers, Fenix

Vote Nay: None

Motion to approve Resolution passed.

Resolution assigned No. 20-34.

11. **PLANING COMMISSION APPOINTMENTS**

Chase Henrichs and Brian Clark were recommended for appointment to Planning Commission.

Motion to approve Planning Commission Appointments.

Motion: Todd Fenix

Second: Linda Vannoy

Vote Aye: DeGifford, Adams, Taylor, Bitner, Schein, Evers, Vannoy, Fenix

Vote Nay: None

Motion to approve Planning Commission Appointments passed.

PRESENTATION: OUTGOING CITY COUNCIL MEMBERS

Mayor Chris Moore presented plaques to Thomas Evers, Todd Fenix, Linda Vannoy and Dean Bitner honoring their service to the City of Lowell.

ANNOUNCEMENTS:

- City-wide Elf Hunt is underway
- All in-person court hearings are postponed until a later date due to pandemic.

ADJOURNMENT: Motion to adjourn by Dean Bitner and second by David Adams. There being no objections, the meeting adjourned at 9:05pm.

ATTEST:



City Clerk/Elizabeth Estes



APPROVED:



Mayor/Chris Moore

City of Lowell

Minutes of the Regular Council Meeting

December 15, 2020